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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |  |                        |              |
|--|-------------|--|---------------------|------------------|--|------------------------|--------------|
| 10/713,645   | 11/14/2003  | David A. Evans   | 940630-010022       | 1642             |  |                        |              |
| 7590 03/01/2007  |             |  |                     |                  |  |                        |              |
| Blaney Harper<br>Jones Day<br>51 Louisiana Avenue, NW<br>Washington, DC 20001-2113 |             | <table border="1"><tr><td>EXAMINER</td></tr><tr><td>LEROUX, ETIENNE PIERRE</td></tr></table> |                     |                  | EXAMINER   | LEROUX, ETIENNE PIERRE |              |
| EXAMINER   |             |  |                     |                  |  |                        |              |
| LEROUX, ETIENNE PIERRE   |             |  |                     |                  |  |                        |              |
|  |             | <table border="1"><tr><td>ART UNIT</td></tr><tr><td>2161</td></tr></table>                   | ART UNIT            | 2161             | <table border="1"><tr><td>PAPER NUMBER</td></tr></table> |                        | PAPER NUMBER |
| ART UNIT   |             |  |                     |                  |  |                        |              |
| 2161   |             |  |                     |                  |  |                        |              |
| PAPER NUMBER   |             |  |                     |                  |  |                        |              |
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| SHORTENED STATUTORY PERIOD OF RESPONSE   | MAIL DATE   | DELIVERY MODE  |                     |                  |  |                        |              |
| 3 MONTHS   | 03/01/2007  | PAPER  |                     |                  |  |                        |              |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                               |                              |  |
|------------------------------|-------------------------------|------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/713,645 | Applicant(s)<br>EVANS ET AL. |  |
|                              | Examiner<br>Etienne P. LeRoux | Art Unit<br>2161             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/30/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Status:***

Claims 1-27 are pending. Claims 1-27 are rejected as detailed below.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The following elements are not described in the specification:

first set of documents from a training set of documents

first profile

second set of documents

third set of documents fourth set of documents

second profile

combining said first filter with said second filter to create an ensemble filter

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub No US 2004/0039786 issued to Horvitz et al (hereafter Horvitz), as best examiner is able to ascertain.

Claims 1, 10, 19, 28 and 29:

Horvitz discloses:

identifying a first set of documents from a training set of documents [email messages, Fig 1, 110]

identifying a first profile corresponding to said first set of documents [bulk email filter 114, Fig 1, paragraph 33]

identifying a second set of documents and a third set of documents from said training set of documents [paragraph 40, urgency filter 320 is trained]

identifying a fourth set of documents from said third set of documents [paragraph 40, urgency filter 320 is trained]

identifying a second profile corresponding to said fourth set of documents [urgency filter 120, Fig 1, paragraph 33]

creating a first filter based upon said first profile [bulk email filter 114, Fig 1, paragraph 33]

creating a second filter based upon said second profile [urgency filter 120, Fig 1, paragraph 33, Figs 3, 6]

combining said first filter with at said second filter to create an ensemble filter [Fig 3, paragraph 40]

storing said ensemble filter in a computer readable medium, said ensemble filter being accessible by computer readable program code for filtering documents. [paragraph 34]

Claims 2, 11 and 20:

Horvitz discloses clustering said training set of documents to identify said first coherent set of documents [paragraph 10]

Claims 3, 12 and 21:

Horvitz discloses further comprising: clustering said training set of documents and selecting said largest cluster to identify said first coherent set of documents [paragraph 34]

Claims 4, 13 and 22:

Horvitz discloses cascading said first sub-filter and at least one remainder sub-filter to create at least part of said ensemble filter [abstract].

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Claims 5, 14 and 23:

Horvitz discloses multiplexing said first sub-filter with at least one remainder sub-filter to create at least part of said ensemble filter [paragraph 32]

Claims 6, 15 and 24:

Horvitz discloses cascading said first sub-filter and at least one remainder sub-filter to create at least part of said ensemble filter [paragraph 32]

Claims 7, 16 and 25:

Horvitz discloses cascading said first sub-filter and at least one remainder sub-filter to create at least part of said ensemble filter [Fig 3, paragraph 12].

Claims 8, 17 and 26:

Horvitz discloses multiplexing said first sub-filter with at least one remainder sub-filter to create at least part of said ensemble filter [Fig 3, paragraph 12]

Claims 9, 18 and 27:

Horvitz discloses multiplexing said first sub-filter with at least one remainder sub-filter to create at least part of said ensemble filter [Fig 3, paragraph 12]

***Response to Arguments***

Applicant's arguments filed 1/30/2007 have been fully considered but they are not persuasive.

Applicant states on page 18 "This reference (Horvitz) also fails to disclose combining filters to create an ensemble filter."

Examiner is not persuaded. Horvitz discloses the following in paragraph 45:

[0045] Proceeding to 602, at least one bulk filter is constructed for processing incoming messages such as email or other type messages. At 604, at least one other type of filter is constructed that cooperates with the bulk filter constructed at 604. Such filters include urgency filters, importance filters, time critical filters, and/or weighted filters for example. At 608, the filters constructed at 602 and 604 are applied to incoming messages in various combinations. This can include parallel combinations of filters, serial combinations, and/or combinations having some serial elements and some parallel elements. At 612, messages are automatically analyzed and filtered according to desired combinations configured at 608. This can include dynamic sorting operations, wherein messages deemed to be of the bulk variety are sorted out into a separate folder, whereas other messages are prioritized in an inbox, for example. Other aspects include enabling users to set thresholds that set likelihood limits for when an item is considered bulk. If an item scores above the threshold for example, indicating that a message has been determined to be bulk, then the respective bulk email can be deleted, removed, and/or sorted.

Horvitz clearly discloses at least one bulk filter which performs a first filtering process to determine and remove bulk emails such as SPAM. Furthermore, Horvitz discloses a second filtering process which filters the output of the bulk filter into categories of importance and/or categories of time.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Etienne LeRoux

2/27/2007

*Etienne P. LeRoux*

*primary examiner*